

Nancy A. Del Pizzo  
nancy.delpizzo@rivkin.com  
**RIVKIN RADLER LLP**  
25 Main Street, Ste. 501  
Court Plaza North  
Hackensack, New Jersey 07601  
(201) 287-2460 (T)  
(201) 489-0495 (F)

- and-

477 Madison Avenue  
New York, New York 10022  
(212) 455-9555 (T)  
(212) 687-9044 (F)

*Attorneys for Defendant, Complex Media, Inc.*

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK**

DANA RUTH LIXENBERG, an individual,

Plaintiff,

-against-

COMPLEX MEDIA, INC., a Delaware  
corporation; and DOES 1-10,

Defendants.

Civil Action No.: 1:22-cv-354 (RA) (DCF)

**DEFENDANT, COMPLEX MEDIA'S  
NOTICE OF MOTION TO DISMISS  
THE SECOND AMENDED COMPLAINT**

**PLEASE TAKE NOTICE** that defendant, Complex Media, Inc. (“Complex Media”), by its undersigned attorneys, upon the accompanying Memorandum of Law and Declaration of Nancy A. Del Pizzo, respectfully moves this Court before the Honorable Ronnie Abrams, U.S.D.J., at the United States District Court for the Southern District of New York, Thurgood Marshall United States Courthouse, 40 Foley Square, Courtroom 1506, New York, New York 10007, for an Order

dismissing the Second Amended Complaint in its entirety pursuant to Fed. R. Civ. P. 12(b) or for summary judgment under Fed. R. Civ. P. 12(d) and for an Order granting Complex Media's attorneys' fees and costs under 17 U.S.C. § 505 and leave to file its affidavit of services for same. Alternatively, if the Court does not dismiss the Second Amended Complaint in its entirety, Complex Media, Inc. respectfully asks the Court to dismiss all of Plaintiff's claims for statutory damages and attorneys' fees and costs and for such other and further relief as the Court may deem just and appropriate; and,

**PLEASE TAKE FURTHER NOTICE** that Complex Media requests oral argument if this motion is opposed.

Dated: March 13, 2023

Respectfully submitted,

**RIVKIN RADLER LLP**

By: s/ Nancy A. Del Pizzo  
Nancy A. Del Pizzo  
nancy.delpizzo@rivkin.com  
25 Main Street, Ste. 501  
Court Plaza North  
Hackensack, New Jersey 07601  
(201) 287-2460 (T)  
(201) 489-0495 (F)

- and-

477 Madison Avenue  
New York, New York 10022  
(212) 455-9555 (T)  
(212) 687-9044 (F)

*Attorneys for Defendant, Complex Media, Inc.*